

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARLENE DELGADO,

Plaintiff,

-against-

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC., SEAN SPICER,
individually, REINCE PRIEBUS, individually,
STEPHEN BANNON, individually,

19-CV-11764 (AT) (KHP)

ORDER

Defendants.

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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE:

Plaintiff Arlene Delgado is represented in this action by Daniel Shay Kirschbaum ("Mr. Kirschbaum") of the law firm Derek Smith Law Group PLLC (the "Firm"). On January 30, 2023, Mr. Kirschbaum moved to withdraw as counsel, citing an "irreparable breakdown in attorney-client relations." (ECF Nos. 124, 125.) Plaintiff opposed the motion to withdraw, and Defendants stated they took no position on the motion. (ECF No. 129, 132.)

Mr. Kirschbaum has stated that the Firm intends to seek reimbursement of the expenses it has laid out in this litigation, and that it reserves the right to apply for and recover its fees in the event Plaintiff prevails at trial but that it will not seek to recover any portion of any settlement that may be reached. Plaintiff states that she has already paid the firm a substantial amount of attorney's fees and that the Firm's assertion of a right to apply for and recover additional fees will further prejudice Plaintiff's ability to find new counsel.

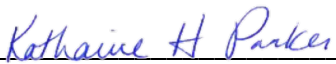
By **Monday, March 13, 2023**, Mr. Kirschbaum shall email an *ex parte, in camera* attorney declaration to the Chambers inbox, and shall email a copy of the declaration to Plaintiff. The declaration shall state what, if any, fees and costs have already been paid by

Plaintiff to the Firm in this action; and what, if any, fees and costs remain outstanding. The declaration shall also state what fee agreement was agreed upon by the parties (e.g. a contingency fee arrangement, hourly rate, etc.). In the event Plaintiff has been paying the Firm its fees to date, the declaration should state why the Firm believes any further charging or retaining lien or other request for fees/costs are appropriate.

Counsel for Plaintiff shall send a copy of this Order to Plaintiff.

SO ORDERED.

DATED: New York, New York
March 8, 2023



KATHARINE H. PARKER
United States Magistrate Judge